



General Assembly

January Session, 2005

Raised Bill No. 1190

LCO No. 3843

03843_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING THE ACCELERATED REHABILITATION PROGRAM.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (b) of section 54-56e of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2005*):

4 (b) The court may, in its discretion, invoke such program on motion
5 of the defendant or on motion of a state's attorney or prosecuting
6 attorney with respect to a defendant (1) who, the court believes, will
7 probably not offend in the future, (2) who has no previous record of
8 conviction of a crime or of a violation of section 14-196, subsection (c)
9 of section 14-215, section 14-222a, subsection (a) of section 14-224 or
10 section 14-227a, (3) who has not been adjudged a youthful offender
11 within the preceding five years under the provisions of sections 54-76b
12 to 54-76n, inclusive, and (4) who states under oath, in open court or
13 before any person designated by the clerk and duly authorized to
14 administer oaths, under the penalties of perjury that the defendant has
15 [never] not had such program invoked in the defendant's behalf within
16 the preceding ten years, provided the defendant shall agree thereto

17 and provided notice has been given by the defendant, on a form
 18 approved by rule of court, to the victim or victims of such crime or
 19 motor vehicle violation, if any, by registered or certified mail and such
 20 victim or victims have an opportunity to be heard thereon. In
 21 determining whether to grant an application under this section with
 22 respect to a person who has been adjudged a youthful offender under
 23 the provisions of sections 54-76b to 54-76n, inclusive, more than five
 24 years prior to the date of such application, and notwithstanding the
 25 provisions of section 54-76l, the court shall have access to the youthful
 26 offender records of such person and may consider the nature and
 27 circumstances of the crime with which such person was charged as a
 28 youth. Any defendant who makes application for participation in such
 29 program shall pay to the court an application fee of thirty-five dollars.

30 Sec. 2. Subsection (c) of section 54-56e of the general statutes is
 31 repealed and the following is substituted in lieu thereof (*Effective*
 32 *October 1, 2005*):

33 (c) This section shall not be applicable: (1) To any person charged
 34 with a class A felony, a class B felony, except a violation of section 53a-
 35 122 that does not involve the use, attempted use or threatened use of
 36 physical force against another person, or a violation of section 14-227a,
 37 subdivision (2) of subsection (a) of section 53-21, section 53a-56b, 53a-
 38 60d, 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a, 53a-72b, 53a-90a, 53a-
 39 196e or 53a-196f, (2) to any person charged with a crime or motor
 40 vehicle violation who, as a result of the commission of such crime or
 41 motor vehicle violation, causes the death of another person, (3) to any
 42 person accused of a family violence crime as defined in section 46b-38a
 43 who (A) is eligible for the pretrial family violence education program
 44 established under section 46b-38c, or (B) has previously had the
 45 pretrial family violence education program invoked in such person's
 46 behalf, (4) to any person charged with a violation of section 21a-267 or
 47 21a-279 who (A) is eligible for the pretrial drug education program
 48 established under section 54-56i, or (B) has previously had the pretrial
 49 drug education program invoked in such person's behalf within the

50 preceding ten years, or (5) unless good cause is shown, to any person
51 charged with a class C felony.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2005</i>	54-56e(b)
Sec. 2	<i>October 1, 2005</i>	54-56e(c)

Statement of Purpose:

To make the accelerated rehabilitation program available to a person otherwise eligible who has not participated in such program within the preceding ten years or, if charged with possession of drugs or drug paraphernalia, has also not participated in the pretrial drug education program within the preceding ten years.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]